

REMARKS/ARGUMENTS

Claims 9-17 are pending in this application. By this Amendment, Applicant cancels Claims 18-22.

Applicant affirms the election of Claims 9-17 without traverse. Applicant has canceled Claims 18-22 because these claims are directed to a non-elected invention. Applicant reserves the right to file a Divisional Application to pursue prosecution of non-elected Claims 18-22.

Applicant appreciates the Examiner's indication that Claim 14 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

The drawings were objected to because "figs. 1-2, 4-5 fail to label (name) components in circuits." This objection is incorrect and unfounded. There is absolutely no USPTO law, rule, or requirement that would necessitate descriptive labels for the boxes shown in Figs. 1, 2, 4, and 5. Each of the boxes shown in Figs. 1, 2, 4, and 5 is labeled by a reference character, and each of the reference characters labeling the boxes shown in Figs. 1, 2, 4, and 5 are fully and clearly described in the originally filed specification. Thus, Applicant respectfully submits that each of the boxes shown in Figs. 1, 2, 4, and 5 are clearly labeled and identified in the drawings, and are sufficiently described in the originally filed application, and that descriptive labels are not required in these drawings. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

Claims 9-13, 15, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sanderford, Jr. et al. (U.S. 6,335,953). Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sanderford Jr. et al. in view of King et al. (U.S. 7,359,448). Applicant respectfully traverses the rejections of Claims 9-13 and 15-17.

Claim 9 recites:

A radio receiver comprising:

a radio receiver circuit that receives a radio signal in which a carrier is modulated using a transmission signal;
a local oscillation circuit that oscillates a local oscillation signal;
a demodulation circuit that demodulates the transmission signal on the basis of the radio signal and the local oscillation signal; and
an oscillation frequency control circuit that repeatedly sweeps an oscillation frequency of the local oscillation circuit without stopping over a frequency bandwidth that is equal to or greater than the width of a frequency drift in a carrier frequency of a radio transmitter that transmits the radio signal or over a frequency bandwidth that is equal to or greater than the width of a frequency drift in the oscillation frequency of the local oscillation circuit.
(emphasis added)

With the unique combination and arrangement of features recited in Applicant's Claim 9, including the feature of "an oscillation frequency control circuit that repeatedly sweeps an oscillation frequency of the local oscillation circuit without stopping over a frequency bandwidth that is equal to or greater than the width of a frequency drift in a carrier frequency of a radio transmitter that transmits the radio signal or over a frequency bandwidth that is equal to or greater than the width of a frequency drift in the oscillation frequency of the local oscillation circuit," Applicant has been able to provide a radio receiver that compensates for the influence of a frequency drift, while ensuring communication reliability, and that has a simple, relatively inexpensive configuration. (see, for example, paragraph [0014] of the Substitute Specification).

The Examiner alleged that Sanderford, Jr. et al. teaches all of the features recited in Applicant's Claim 9, including the features of a local oscillation circuit 304, 309, 315 that oscillates a local oscillation signal, and an oscillation frequency control circuit that repeatedly sweeps over a frequency band that is equal to the width of a frequency drift in a carrier frequency of a radio transmitter, that transmits the radio signal that is equal to the width of a frequency drift in the oscillation frequency of the local oscillator. Applicant respectfully disagrees.

As specifically disclosed in col. 9, lines 1-6 of Sanderford, Jr. et al., during the

receiver's sweep over the available spectrum, when "new impulse noise or jamming were detected 404, such noise or jamming causes the CPU's 314 algorithm **to temporarily stay on that frequency**. The algorithm then attempts to decode a 9-bit PREAMBLE SYSTEM CODE. If that were not possible, then VIN 316 sweep resumes its normal path" (emphasis added). In other words, the alleged frequency sweep of the receiver of Sanderford, Jr. et al. clearly stops on various frequencies at which noise or jamming occurs in order to attempt to decode a particular code.

Thus, Sanderford, Jr. et al. certainly fails to teach or suggest the features of "an oscillation frequency control circuit that **repeatedly sweeps an oscillation frequency of the local oscillation circuit without stopping** over a frequency bandwidth that is equal to or greater than the width of a frequency drift in a carrier frequency of a radio transmitter that transmits the radio signal or over a frequency bandwidth that is equal to or greater than the width of a frequency drift in the oscillation frequency of the local oscillation circuit" (emphasis added) as recited in Applicant's Claim 9.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of Claim 9 under 35 U.S.C. § 102(b) as being anticipated by Sanderford, Jr. et al.

In addition, Sanderford, Jr. et al. fail to teach or suggest that the sweep could or should be performed **without stopping**, as recited in Applicant's Claim 9. In fact, the device of Sanderford, Jr. et al. would clearly be unsatisfactory for its intended use of decoding particular codes, such as a 9-bit PREAMBLE SYSTEM CODE, because the sweep must necessarily be stopped to stay on a particular frequency to enable the decoding to be performed.

The Examiner is reminded that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) and MPEP § 2143.01.

Thus, Applicant respectfully submits that it would **NOT** have been obvious to

modify the device of Sanderford, Jr. et al. such that the sweep is performed without stopping.

The Examiner relied upon King et al. to allegedly cure various deficiencies of Sanderford, Jr. et al. However, King et al. fail to teach or suggest the feature of “an oscillation frequency control circuit that repeatedly sweeps an oscillation frequency of the local oscillation circuit without stopping over a frequency bandwidth that is equal to or greater than the width of a frequency drift in a carrier frequency of a radio transmitter that transmits the radio signal or over a frequency bandwidth that is equal to or greater than the width of a frequency drift in the oscillation frequency of the local oscillation circuit” as recited in Applicant’s Claim 9. Thus, Applicant respectfully submits that King et al. fail to cure the deficiencies of Sanderford, Jr. et al. described above.

Accordingly, Applicant respectfully submits that Sanderford, Jr. et al. and King et al., applied alone or in combination, fail to teach or suggest the unique combination and arrangement of features recited in Applicant’s Claim 9.

In view of the foregoing amendments and remarks, Applicant respectfully submits that Claim 9 is allowable. Claims 10-17 depend upon Claim 9, and are therefore allowable for at least the reasons that Claim 9 is allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

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December 4, 2008
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The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Dated: December 4, 2008

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